

REMARKS:

This paper is herewith filed in response to the Examiner's final Office Action mailed on November 24, 2008 for the above-captioned U.S. Patent Application. This office action is a final rejection of claims 1-40 of the application.

The Examiner has rejected claims 13-24 under 35 USC 101 indicating that the claimed invention is directed to non-statutory subject matter; rejected claims 1-4, 7, 9-10, 13-16, 19, 21-22, 25-28, and 30-31 under 35 USC 103(a) as unpatentable over Dorenbosch (US6,768,726), in view of Phillips (US6,370,399). The Examiner has also rejected claims 5, 6, 8, 17-18, 20, 29, and 32 under 35 USC 103(a) as obvious over Phillips in view of Karino in view of Chowdhury et al., and further in view of Saha et al. (UIS 2003/0212822 A1). The Examiner has also rejected claims 11, 12, 23 and 24 under 35 USC 103(a) as obvious over Dorenbosch in view of Phillips and further in view of Lim (US6,349,224). The Examiner has also rejected claims 11-12, and 23-24 under 35 USC 103(a) as being unpatentable over Dorenbosch in view of Phillips and further in view of Brandenberger (US6,570,782). The Examiner has also rejected claims 32-40 under 35 USC 103(a) as unpatentable over Dorenbosch in view of Phillips and further in view of Cui (US2004/0204069). The Applicants respectfully disagree with the rejections.

Claims 13-24 have been amended. Support for the amendments can be found at least on page 4, lines 1-17. No new matter is added.

Regarding the rejection of claims 13-24 under 35 USC 101, independent claim 13 has been amended to replace the term "medium" with the term "memory." Further, dependent claims 14-24 have been amended to recite in part "The computer readable **memory** embodying a computer program."

These amendments are seen to overcome the rejection of claims 13-24 under 35 USC 101. Further, as these amendments are not seen to require a new search, the Examiner is respectfully requested to allow these amendments, at least for use in an Appeal, and to remove the rejections

of claims 13-24.

In the rejection of claim 1 the Examiner now introduces Dorenbosch as being allegedly combinable with Phillips in order to render claim 1 unpatentable. Although such a combination is not agreed to as proper, it can be seen that even if the references were combined they would still fail to disclose or suggest claim 1.

Claim 1 recites:

A method, comprising: initiating a set up of an internet protocol (IP) connection between a mobile station (MS) and a computing device (CD), the IP connection being one that terminates at the MS, the initiation of the set up of the IP connection comprising receiving a command from the CD over a local interface between the MS and the CD; establishing the IP connection between the MS and the CD comprising the MS assigning an IP address to the CD and an IP address to the MS, and configuring an IP protocol stack at the MS; and in response to receiving over the IP connection an IP message at the MS from the CD, routing the received IP message to an application that is resident in the MS

The rejection of claim 1 recites in part:

“Dorenbosch teaches a method comprising: initiating the set up of an internet protocol IP connection between a **mobile station (MS) (Fig. 2 element 203)** and a **computing device (CD) (Fig. 2 element 209)** (column 5 lines 43-55), [...] establishing the IP connection between the MS and the CD comprising **the MS assigning an IP address to the CD and an IP to the MS** (column 5 lines 44-67),” (emphasis added).

The Applicants submit that the rejection of claim 1 is improper. The Applicants submit that there can not be found, in all of Dorenbosch, any disclosure or suggestion of at least where claim 1 recites “establishing the IP connection between the MS and the CD comprising **the MS assigning an IP address to the CD and an IP address to the MS.**”

Figure 2 of Dorenbosch, as cited in the rejection, appears to illustrate a configuration for a handoff of a mobile station 205 between a cellular system and a wireless IP network. According to Dorenbosch, for the handoff the mobile station 203 is establishing two different IP

connections, via these two points, to a gateway that performs Network Address Translation for connecting the mobile station 203 to the Internet. Dorenbosch, as cited, discloses that one of these IP connections is identified as a primary connection and the other as a secondary connection (col. 5, lines 44-67).

Dorenbosch, as cited, discloses:

“As an overview, the handoff from the cellular system to the wireless IP network shown in FIG. 2 includes setting up or initiating the first IP connection by informing the gateway 205 of the first IP address, IP A1, 217 using SCTP. Preferably this will be done by the first station 203. Then the method includes communicating a packet data communication, using an application that runs on SCTP, between station B 203 and the gateway using the first IP connection 219 and first IP address 217 for station B through the cellular network where the gateway does address translation and protocol translation, SCTP to or from TCP/UDP, and relays the packet data communication with (to or from) the second station 209. After setting up and using the first IP connection the next requirement for a seamless handoff is setting up the second IP connection 227 with a second IP address 225 for station B 203, where the first IP connection with the gateway remains a primary connection and the second IP connection is a secondary connection, with both existing concurrently. Then determining that the second IP connection should be the primary connection; and changing the second IP connection to the primary connection by informing the gateway that the second IP address is the primary address using SCTP messages, wherein the packet data communication is immediately switched over to the second IP connection completes the seamless handoff,” (col. 5, lines 43-67).

Dorenbosch, as stated above, merely appears to disclose the first station 203 having a connection to a cellular system, performing an initiation and set-up of an IP connection by **informing an Internet gateway 205, through the cellular network, of its IP address (A1)** in order to perform packet data communication with the gateway 205 through the cellular system. This connection is identified by Dorenbosch as the primary connection. Then for the handover, according to Dorenbosch, a second concurrent connection is established, presumably with wireless IP network access-point, and it appears that the handover is completed when the gateway 205 is **informed by first station 203 of the second IP address A2.**

The Applicants submit that here, there can not be found any disclosure whatsoever of the first station 203, which the Examiner regards as the MS, **assigning an IP address** to any device including the second station 209 which the Examiner regards as the CD in claim 1. Further, the Applicants can not find in all of Dorenbosch any disclosure or suggestion of the second station 209 even being **assigned an IP address**.

As illustrated in Fig. 2 of Dorenbosch, an IP address Y1 is used on the internet side of the gateway 205. Dorenbosch discloses that the external IP address Y1 is used by the station 209 as a **destination address** for the mobile station 203 (col. 7, lines 9-11). According to Dorenbosch the IP A1 of the mobile station can even be equal to address Y1, in which case the mobile station needs to obtain only one address (see col. 6, lines 23-25). The Applicants submit that the IP address Y1 **is not seen to relate to an address assigned to a computing device by a mobile station as part of initiating the setup of an IP connection**. The Applicants contend that the rejection of claim 1 is improper for at least the reason that there is not seen to be a disclosure of an IP address on the CD, and clearly no disclosure of an assignment of an IP address to the CD by the MS.

In addition, the Applicants note that Dorenbosch discloses that alternatively **the mobile station (203) can get its address A1 from the gateway 205 and the gateway also assigns the external address Y1**, and it may even be that the mobile station will not be aware of the external address (see col. 6, lines 37-40). The Applicants note that language, as stated above in Dorenbosch with regards to the mobile station 203 getting the A1 address from gateway 205 appears to indicate that **the gateway is assigning the A1 address to the mobile station** as well as assigning the external Y1 address. Moreover, regarding the “alternatively” language, the Applicants can find only where Dorenbosch appears to disclose another alternative being that the mobile station already has both the A1 and A2 IP addresses (for example col. 3, lines 30-35). As similarly stated above, the Applicants can not find, in all of Dorenbosch, any disclosure related to the mobile station 203 assigning an IP address to the end-point 209 and itself, as appears to be applied in the rejection.

The Applicants contend that, for at least the reasons already stated, Dorenbosch can not be seen to disclose or suggest, as indicated in the rejection, at least where claim 1 relates to establishing the IP connection between the MS and the CD comprising **the MS assigning an IP address to the CD and an IP address to the MS**. Clearly, for at least these reasons it can be seen that the rejection of claim 1 is improper and the rejection should be removed.

Turning now to Phillips, the Applicants submit that, as argued in the prior Response to Office Action filed on 3 September 2008, the mobile station (CDMA cellular phone) of Phillips appears to function merely as a "solid wire connection" to connect the computer to the internet.

It is noted that in the previous Office Action the Examiner admitted that "Phillips is silent in teaching assigning IP addresses for local interface and configuring an IP protocol stack at the MS."

The Applicants submit that for at least this reason Phillips can not be seen to address a shortfall of Dorenbosch, as stated above.

The Applicants contend that, for at least the reasons stated, even if Dorenbosch and Elliot were combined, which is not agreed to as proper, the combination would still fail to disclose or suggest claim 1.

The Applicants submit that for at least the reasons stated, the rejection of claim 1 is seen to be improper and the rejection should be removed.

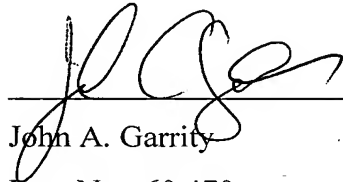
Further, for at least the reasons that independent claims 13 and 25 recite features similar to claim 1, as stated above, the references cited can not be seen to disclose or suggest these claims.

In addition, for at least the reasons that claims 2-12, 14-24, and 26-40 depend from claims 1, 13, and 25, respectively, the rejections of these claims are seen to be improper and should be removed.

S.N.: 10/761,849
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Based on the above arguments the references cited cannot be found to disclose or suggest the subject matter found claims 1-40. The Examiner is respectfully requested to reconsider and remove the rejections of claims 1-40 and to allow all of the pending claims 1-40 as now presented for examination. Should any unresolved issue remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

Respectfully submitted:



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1/16/2009

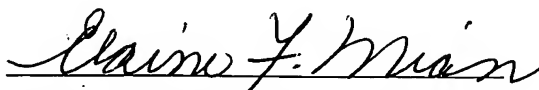
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